

### **REMARKS**

No claims are amended or canceled, and claims 59-79 are added; as a result, claims 22-79 are now pending in this application. No new matter is proposed. The new claims are fully supported by the specification as filed.

#### **§102 Rejection of the Claims**

Claims 22 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schuele et al. (U.S. Patent No. 5,930,639). Applicant respectfully traverses as a *prima facie* case of anticipation has not been made.

Claim 22 recites, *inter alia*, a stud coupled to the first conductive plug, wherein the stud is partially embedded in a first dielectric stack. Applicant can not find these features in Schuele. The Office Action refers to the front page of Schuele as teaching the features of claim 22. Specifically, the Office Action refers to stud (22) partially embedded in a first dielectric stack (24). However, stud (22) of Schuele appears to be completely embedded in dielectric (24), see figure on the front page. As applicant can not find all of the features of claim 22 in Schuele, claim 22 is not anticipated by Schuele. Reconsideration and allowance of claim 22 and its dependent claim 25 are requested.

#### **§103 Rejection of the Claims**

Claims 26-30 and 51-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schuele et al. (U.S. Patent No. 5,930,639). Applicant respectfully traverses as a *prima facie* of obviousness has not been made.

Claim 26-30 depend from claim 22 and are allowable at least for the same reasons as stated above with regard to claim 22. Reconsideration and allowance of claim 26-30 are requested.

Claim 51 recites, *inter alia*, a stud coupled to the first conductive plug, wherein the stud is partially embedded in a first dielectric stack; and . . . wherein the stud extends into the upper dielectric stack. Applicant can not find these features in Schuele. For example, applicant can not find in Schuele a stud that is partially embedded in a first dielectric stack. Reconsideration and allowance of claim 51 and its dependent claims 52 and 53 are requested.

Claim 54 recites, *inter alia*, a stud coupled to the first conductive plug, wherein the stud is partially embedded in a first dielectric stack; and . . . wherein the stud extends into the upper dielectric stack. Applicant can not find these features in Schuele. For example, applicant can not find in Schuele a stud that is partially embedded in a first dielectric stack. Reconsideration and allowance of claim 54 and its dependent claim 55 are requested.

Claim 56 recites, *inter alia*, a stud coupled to the first conductive plug, wherein the stud is partially embedded in a first dielectric stack; and . . . wherein the stud extends into the upper dielectric stack. Applicant can not find these features in Schuele. For example, applicant can not find in Schuele a stud that is partially embedded in a first dielectric stack. Reconsideration and allowance of claim 56 and its dependent claims 57 and 58 are requested.

The Office Action rejected claim 26-30, and 51-58 based only on Schuele. Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found Schuele. Since all the elements of the claim are not found in the Schuele, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of official notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Claims 31-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schuele et al. (U.S. Patent No. 5,930,639) in view of Durcan et al. (U.S. Patent No. 6,753,565). Applicant respectfully traverses as a *prima facie* of obviousness has not been made.

Claim 31-34 depend from claim 22 and are allowable at least for the same reasons as stated above with regard to claim 22. Moreover, Durcan does not cure the defects of Schuele as a reference against pending claims 31-34. Reconsideration and allowance of claim 31-34 are requested.

Claim 35 recites, *inter alia*, a platinum stud partially embedded in a first dielectric stack, wherein the platinum stud is above and on a platinum seed film. Applicant can not find these features in Schuele or Durcan. For example, Schuele does not show a partially embedded platinum stud. Reconsideration and allowance of claim 35 and its dependent claims 36-40 are requested.

**Allowable Subject Matter**

Claims 41-50 were allowed.

Claims 23 and 24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant notes this indication of allowability. However, applicant believes that claims 23 and 24 are allowable with parent claim 22 as stated above.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

THOMAS GRAETTINGER

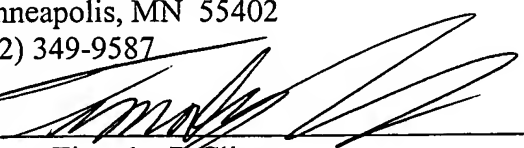
By his Representatives,

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22 June '05

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of June, 2005.

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